

**British Columbia**

**Farm Industry Review Board**

**FARM PRACTICES AND CONFLICT  
MANAGEMENT: OPTIONS FOR PROVINCIAL  
GOVERNMENT, LOCAL GOVERNMENTS,  
FARM INDUSTRY, AND THE BC FARM  
INDUSTRY REVIEW BOARD**

December 1, 2011  
(Revised December 8,  
2011)



## ABOUT THE BC FARM INDUSTRY REVIEW BOARD

### (BCFIRB)

BCFIRB is an administrative tribunal, independent of government in its decision making. As a quasi-judicial body, BCFIRB has two roles in farm practice management through the *Farm Practices Protection (Right to Farm) Act*.

1. **Complaints Role:** BCFIRB is responsible for hearing complaints from persons aggrieved by odour, noise, dust or other disturbances arising from agriculture and certain aquaculture operations. BCFIRB is limited to either dismissing the complaint if the panel is of the opinion that the disturbance results from a normal farm practice, or ordering the farmer to modify a practice to be consistent with normal farm practice, or ordering the farmer to cease a practice that is not a normal farm practice. As of March 31, 2007 BCFIRB complaint decisions are enforceable with respect to the farm concerned.
2. **Reports Role:** BCFIRB may report on and make recommendations concerning any matters related to farm practices either on its own initiative; at the request of a municipality/regional district/ trust council under the Islands Trust Act; or by direction of the Minister. BCFIRB does not have legislative authority to enforce adoption of BCFIRB reports and related recommendations.

The specific findings and suggested options in this Report are solely those of BCFIRB in its capacity as an independent tribunal. The question of whether or how to implement any options not specific to BCFIRB is for others to decide, including provincial and local governments.

## Executive Summary

In October 2011, the Minister of Agriculture (Minister) directed the BC Farm Industry Review Board (BCFIRB) under the inquiries provision of the *Farm Practices Protection (Right to Farm) Act (FPPA)* to report on options for provincial government, local governments and BCFIRB over time for ensuring effective and appropriate regulation of propane cannon use.<sup>1,2</sup>

Although ultimately not required given the contents of this report, the timeframe specified did not allow for consultation. BCFIRB expects any action by governments, farm industry and/or communities arising from this report will be determined only after appropriate consultation with all affected stakeholders to ensure the full range of interests are taken into consideration.

### Farm Practices Protection (Right to Farm) Act

In 1996 the provincial government determined it was in the public interest to protect the economically important industry of agriculture<sup>3</sup> through establishing the *FPPA*. Under the *FPPA*, farmers who follow “normal farm practice” and are not contravening land use regulations, health and environment legislation, (as well as meeting some other requirements) are protected from certain bylaw enforcement, court injunctions and nuisance lawsuits respecting their farm practices. It is also expected that farmers will have taken reasonable steps, where appropriate, to mitigate the impact of their farm practices on their neighbours.

The *FPPA* provides avenues for the provincial government, local governments and BCFIRB to resolve conflict between farms and their neighbours over farm practices. It is the intention of the *FPPA* that these avenues complement each other, with a strong focus on finding local solutions to farm practices issues.

### Conflict and Disturbance Arising from Farm Practices

Ultimately, many conflicts relating to disturbance (also referred to as ‘nuisance’) arising from farm practices, such as noise from the use of propane cannons, are driven by land use planning. Land use planning decisions may exacerbate urban-agriculture conflicts in some areas of BC. Conflict itself arises for many different reasons (e.g. poor practices, personal issues, misunderstandings, contrasting needs/desires/lifestyles, cultural barriers, perception of right-in-time priority) and is often not limited to the farm practice at issue. Although triggered by requests for determinations of “normal farm practice”, many of the conflicts that come to BCFIRB arise from underlying causes or for reasons that are not within BCFIRB’s jurisdiction under the *FPPA*.

Provincial and local governments have a wide range of opportunities for managing farm practices to reduce disturbance and resulting conflict. The public policy and regulatory options open to provincial and local governments are contextual but likely require community engagement along with socio-economic trade-off analysis.

---

<sup>1</sup> Under the *FPPA*, BCFIRB may report on and make recommendations concerning any matters related to farm practices, either under its own initiative, at the request of a municipality/regional district/ trust council under the Islands Trust Act; or by direction of the Minister.

<sup>2</sup> Appendix 1 Farm Practices Report Request – Propane Cannons

<sup>3</sup> In 2010 BC agriculture generated \$2.4 billion in farm gate sales with 16,300 British Columbians directly employed in agriculture and related industries and 237,500 employed in wholesaling, food service and grocery retail.

## Propane Cannons

Propane cannons are audible scare devices used by farmers across British Columbia to protect crops and feed supplies (e.g. berry, tree fruit, grapes, vegetables, grain, bee hives) from wildlife predation (e.g. birds, deer, bear) and have increasingly become a focal point for conflict in some localities due to noise disturbance. BCFIRB, the Ministry of Agriculture, a regional district, a university and agriculture industry organizations have published several reports on managing both the use of, and conflict over, propane cannons (1999 – 2010).<sup>4,5</sup>

Propane cannon use in fruit growing regions of BC is in large part driven by the presence of invasive European starlings. Conflicts can arise over lack of adherence to Ministry Guidelines for audible scare devices, poor communication (possibly exacerbated by language and cultural barriers), and lack of information on/support for informal conflict resolution processes.

Although various measures to reduce and manage conflict arising from propane cannon use are in place (e.g. Ministry of Agriculture guidelines; some local governments employing informal conflict resolution and farm bylaws; Grower Liaison employed by farm industry; BCFIRB formal conflict resolution processes etc), there is continuing pressure on governments from some communities to eliminate the use of propane cannons. Little data is available on the degree of conflict arising from propane cannon use across the province and in different localities, and the effectiveness of available conflict resolution processes (see page 21).

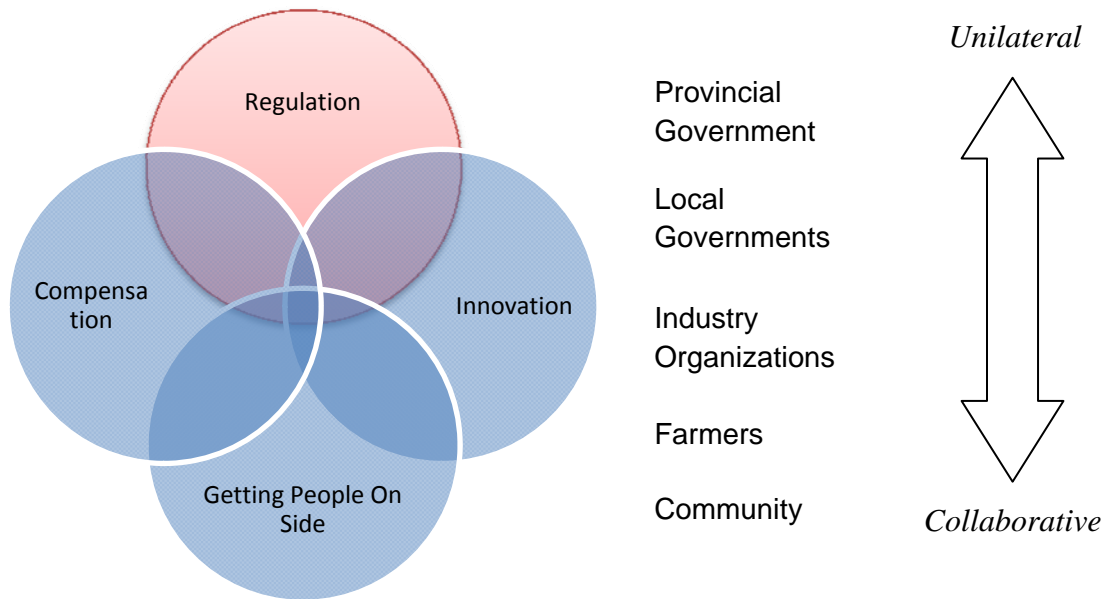
### Options and Related Considerations for Managing Propane Cannon Use

Conflict arising from propane cannon use is site-specific, and as such, there is no ‘one size fits all’ solution. The following are options and related considerations for managing propane cannon use in order to reduce site-specific conflicts arising from disturbance. The basis for these options is regulatory, however a collaborative approach could incorporate aspects of compensation (e.g. for crop loss or adopting alternative predation management practices), innovation (e.g. supporting new predation control measures and/or related research, public recognition of farms with exceptional predation management plans), communication (e.g. consultation on regulation, door-to-door connections between neighbors and farmers, workshops on best predation management practices), and conflict resolution (e.g. trained staff, with enforcement when required).

---

<sup>4</sup> Appendix 2 Propane Cannon Studies (1999 – 2010)

<sup>5</sup> Appendix 4 BCFIRB Recommendations 2009 (Summary)



The provincial government may need to provide leadership through initiation of Minister standards and high-level Cabinet regulation, while working with local governments to implement community-relevant measures. As noted in BCFIRB’s 2009 report,<sup>6</sup> some local governments are currently effectively managing conflicts arising from farm practices through informal complaint resolution processes and enforcement. BCFIRB itself provides determination of “normal farm practice” for individual farms, and where appropriate can assist other agencies with developing conflict resolution processes, and can conduct farm practices studies that take into account the interests of all parties.

Whatever actions, if any, are taken in regards to propane cannons, consideration should be given to the complex nature of conflicts, the larger issue of land use planning, the role of agriculture in the province, and the precedent set for management of future conflicts arising from other farm practices. This must be accomplished with continued consideration to the overall interest of the BC public, which includes both farming and non-farming communities.

<sup>6</sup> Appendix 2 Propane Cannon Studies (1999 – 2010)

Provincial  
Government

***ESTABLISH A “NORMAL FARM PRACTICE” STANDARDS REGULATION (FPPA)***  
Cabinet can make **legally enforceable normal farm practices standards**. As discussed in the BCFIRB 2009 report, it is not clear whether Cabinet could prohibit propane cannon use. Propane cannon standards could set out requirements such as (but not limited to): an active predation management plan with an identified responsible individual, and specific restrictions such as limits on numbers etc. In recognition that farm practices evolve over time, as does the type of agriculture in some localities (e.g. recent shift to blueberries in the Lower Mainland), consideration might be given to incorporating a sunset or other type of renewal clause as well as regional specific focus. This is an opportunity for provincial government to consider whether it needs to provide leadership in resolving on-going conflict regarding a farm practice.

See page 24 for General Considerations.

***ESTABLISH REGION SPECIFIC GUIDELINES FOR LOCAL GOVERNMENTS (LGA)***  
Under the *Local Government Act (LGA)*, the Minister can establish, and communicate to local governments, **standards for local governments** to be guided by in preparation of farm bylaws related to propane cannons. As an immediate measure, the current Ministry Guidelines on the use of audible scare devices could be established as the official guidance for local governments. This is an opportunity for the Minister to consider whether leadership is needed in resolving on-going conflict regarding a farm practice.

See page 24 for General Considerations.

Local  
Governments

***ENACT FARM BY LAWS (LGA)***  
Under the *Local Government Act (LGA)*, local governments can apply to be designated, by Cabinet regulation, the power to **enact farm bylaws**. Farm bylaws offer a range of options for managing propane cannon use. Some options could include (but are not limited to):

- bylaws in relation to edge planning,
- bylaws based on Ministry guidelines for audible scare devices,
- bylaws managing noise,
- bylaws requiring registration and licensing of propane cannons,
- bylaws prohibiting the use of propane cannons.

See page 25 for General Considerations.

Provincial  
Government

Local  
Governments

Agriculture  
Industry

**CONTROL EUROPEAN STARLING POPULATION** – European starling are an introduced invasive species that cause serious damage to fruit crops and are a major reason for propane cannon use in some BC localities, although native bird species, such as robins can also cause crop damage. Starlings are also known hosts of diseases and parasites. As carriers of disease and parasites, starlings are a concern for other agriculture industries such as dairy operations, poultry operations, and feedlots. Filth, odour and destruction of property are also associated with starlings.

See page 26 for General Considerations.

**CONSEQUENTIAL AMENDMENTS TO FPPA** – Since 2004 BCFIRB has requested Government take the steps necessary to apply the *Administrative Tribunals Act (ATA)* to the *FPPA* in order to provide BCFIRB with an enhanced capability to resolve farm practices disputes. Ensuring the fair administration of justice in a resource challenged environment requires the best legislative tools available. No amendments have been forthcoming.

See page 26 for General Considerations.

BCFIRB

**SHIFTING FOCUS FROM CONFLICT TO SOLUTIONS** – As part of the Administrative Justice Transformation project, and in consultation with the Ministry of Attorney General, BCFIRB is commencing a shift away from describing the dispute resolution processes available through BCFIRB in terms of “complaint” language. This shift will help move the focus from conflict (“complaint”) to helping neighbours and farmers find solutions to a farm practices issues that may be resulting from, or leading to, relationship problems more generally. Where appropriate, BCFIRB also hopes to work with other provincial agencies, local governments and the agriculture industry on structures and processes for effective conflict resolution processes related to farm practices issues.

See page 26 for General Considerations

# Table of Contents

<b>EXECUTIVE SUMMARY</b> .....	<b>3</b>
<b>REPORT PURPOSE</b> .....	<b>9</b>
FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT .....	9
<b>ROLES AND RESPONSIBILITIES</b> .....	<b>10</b>
<b>CONFLICTS ARISING FROM AGRICULTURE</b> .....	<b>11</b>
SYMPTOMS OF A LARGER ISSUE.....	11
CONFLICT AND DISTURBANCE ARISING FROM FARM PRACTICES.....	11
<b>REGULATORY OPTIONS</b> .....	<b>13</b>
<b>NON-REGULATORY OPTIONS</b> .....	<b>15</b>
COMPENSATION.....	15
INNOVATION .....	15
COMMUNICATION (GETTING PEOPLE ON SIDE).....	16
CONFLICT RESOLUTION (GETTING PEOPLE ON SIDE) .....	18
<i>Current conflict resolution processes</i> .....	18
<b>GENERAL CONSIDERATIONS AND OPTIONS -- MANAGEMENT OF PROPANE CANNONS</b> .....	<b>20</b>
GENERAL CONSIDERATIONS.....	21
MANAGEMENT OPTIONS TO REDUCE CONFLICTS ARISING FROM DISTURBANCE.....	23
<i>Provincial Government</i> .....	24
<i>Local Governments</i> .....	25
<i>Provincial Government/Local Government/Agriculture Industry</i> .....	26
<i>BC Farm Industry Review Board</i> .....	26
<b>CONCLUSION</b> .....	<b>28</b>
<b>APPENDIX 1</b> .....	<b>29</b>
FARM PRACTICES REPORT REQUEST – PROPANE CANNONS	
<b>APPENDIX 2</b> .....	<b>31</b>
PROPANE CANNON STUDIES (1999 – 2010)	
<b>APPENDIX 3</b> .....	<b>32</b>
BC FARM INDUSTRY REVIEW BOARD STATISTICS	
<b>APPENDIX 4</b> .....	<b>33</b>
BCFIRB RECOMMENDATIONS 2009 (SUMMARY)	
<b>APPENDIX 5</b> .....	<b>36</b>
LOCAL GOVERNMENT ACT – DIVISION 8 – REGULATION OF FARM BUSINESSES IN FARMING AREAS	
<b>APPENDIX 6</b> .....	<b>39</b>
SUMMARY OF EFFECTIVENESS OF BIRD CONTROL TECHNIQUES	



## Report Purpose

Propane cannons are audible scare devices used by farmers across British Columbia to protect agriculture crops and feed (e.g. berry, tree fruit, grapes, vegetables, bee hives) from wildlife predation (e.g. birds, deer, bear). Although various measures to reduce and manage conflict arising from propane cannon use are in place (e.g. Ministry of Agriculture guidelines; some local governments employing informal conflict resolution and farm bylaws; Grower Liaison employed by farm industry; BCFIRB formal conflict resolution processes etc), there is continuing pressure on governments from some communities to eliminate the use of propane cannons.

In October 2011, the BC Minister of Agriculture (Minister) directed BCFIRB, under the inquiries provision of the *Farm Practices Protection (Right to Farm) Act (FPPA)*, to report on options for provincial government, local governments and BCFIRB to manage propane cannon use.<sup>7,8</sup> Although farm practices conflicts are normally site-specific, and contextual in nature, the reality is that conflict arising from farm practices in general will be an on-going issue for governments, communities and industry. BCFIRB opted to broaden this report to generally address management of farm practices to reduce disturbance and related conflicts.

Though ultimately not required given the contents of this report, the timeframe specified did not allow for consultation. BCFIRB expects any action by governments, farm industry and/or communities arising from this report will be determined only after appropriate consultation with all affected stakeholders to ensure the full range of interests are taken into consideration.

## Farm Practices Protection (Right to Farm) Act

Agriculture makes a significant contribution to the BC economy. In 2010, BC agriculture resulted in \$2.4 billion in farm gate sales, \$2.5 billion worth of goods exported to 135 countries, and 298,700 jobs. BC ranked first in Canada in terms of fruit sales, generating total combined farm revenues of \$230.4 million, and accounting for over one-third of the total farm-gate value of fruit produced nationally.<sup>9</sup>

In 1996 the provincial government determined that in order to protect this important industry it was in the public interest to establish the *FPPA*. Under the *FPPA*, farmers who follow “normal farm practice” and are not contravening land use regulations, health and environment legislation, (as well as meeting some other requirements) are protected from certain bylaw enforcement, court injunctions and nuisance lawsuits respecting their farm practices. It is also expected farmers will have taken reasonable steps, where appropriate, to mitigate the impact of their farm practices on their neighbours.

The *FPPA* provides several avenues to resolve conflict between farms and their neighbours arising from disturbance, including at the provincial government level, by local governments and through BCFIRB. It is the intention of the *FPPA* that these avenues complement each other, with a major focus on finding local solutions to farm practices issues.

---

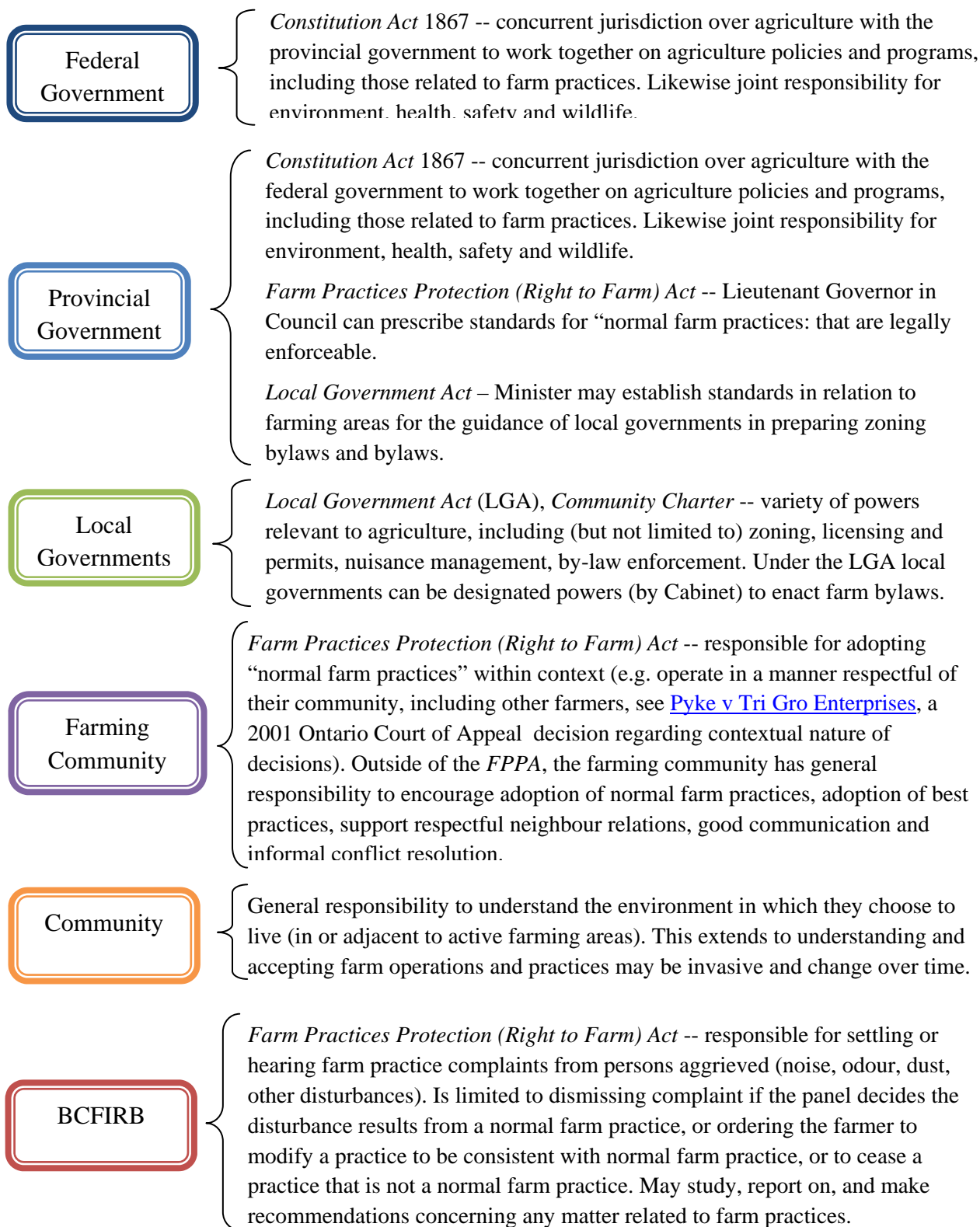
<sup>7</sup> Under the *FPPA*, BCFIRB may report on and make recommendations concerning any matters related to farm practices, either under its own initiative, at the request of a municipality/regional district/ trust council under the Islands Trust Act; or by direction of the Minister.

<sup>8</sup> Appendix 1 Farm Practices Report Request – Propane Cannons

<sup>9</sup> [2010 B.C. Agri-food Year in Review](#). Ministry of Agriculture

## Roles and Responsibilities

Although “normal farm practices” are protected under legislation, in the first instance it is everyone’s responsibility to mitigate adverse impacts, prevent conflict and work together to resolve disputes.



## Conflicts Arising from Agriculture

### Symptoms of a Larger Issue

Some agriculture conflicts reported to government, whether related to farm practices or land use, are a symptom of a larger planning issue -- balancing urbanization and farming. About two percent (2.7%) of BC's land base is responsible for 78% of BC's farm revenues, as well as being home to 79% of BC residents (south-west BC and Okanagan Valley).<sup>10</sup>

Because BC citizens value the contribution of agriculture to the province, the provincial government has enacted legislation such as the *Agricultural Land Reserve Act* (to protect land for farming), and the *Farm Practices Protection (Right to Farm) Act* (to protect farmers rights to use normal farm practices). This legislation provides farming certain protections especially relevant in areas of high population density, while incorporating community interests through provisions for appeal.

Given BCFIRB's roles under the *FPPA* (to make decisions on "normal farm practice" as a quasi-judicial body, and to provide reports on farm practices), this report focuses on farm practice management, while acknowledging the underlying role of land use in conflict.

### Conflict and Disturbance Arising from Farm Practices

Conflicts arise for many different reasons (e.g. poor practices, personal issues, misunderstandings, contrasting needs/desires/lifestyles, cultural barriers, perception of right-in-time priority) and are often not limited to the farm practice at issue. Although triggered by requests for determinations of "normal farm practice" in terms of nuisance (disturbance), many of the complaints filed with BCFIRB arise for other reasons. These other reasons often prove the most difficult to address, especially when their cause does not lie within BCFIRB's jurisdiction under the *FPPA*.

---

#### Personal Conflict

*Langley, BC:* Two farm practice complaints were filed in regards to drainage. However, it was evident the underlying issue was long-standing personal conflict between the two parties. BCFIRB's decision reflected the underlying personal conflict by issuing the same orders to both parties.

#### Jurisdiction and Roles

*Cowichan Valley, BC:* The complaint filed was in regards to barking dogs. The complainant reported the Cowichan Valley Regional District (CVRD) considered the matter 'out of their hands'. BCFIRB determined the person with the barking dogs was not a 'farm operation' operating as a 'farm business' under the *FPPA* and as such BCFIRB had no jurisdiction to make a determination on "normal farm practice", and the farmer was not entitled to the protections offered under the Act. The complainant was able to take BCFIRB's decision to the CVRD in support of their request that the CVRD enforce its noise bylaw.

---

<sup>10</sup> [Planning for Agriculture](#). Agricultural Land Commission

Though conflicts may not be fully driven by a specific farm practice, provincial and local governments do have a wide range of opportunities for managing farm practices to reduce disturbance and resulting conflict. In evaluating what policy direction and actions to take (if any), governments need to consider trade-offs and cost-benefit analysis (including a broad range of social and economic considerations). This analysis is an essential component of sound policy making. Provincial and local governments may take into account different considerations in their analysis, and may, as a result, produce different conclusions.

For example, the Ministry of Agriculture Service Plan (2010/11 – 2012/13) states (among other items), that the purpose of the Ministry is to: “[work] to balance urban/agriculture interests”, as well as “provide guidance to the sector to increase innovation, competitiveness and profitability to meet consumer demands”. Some provincial considerations might include GDP, jobs, food security, and the government’s commitment to the importance of agriculture. Local governments, under the *Community Charter* and *Local Government Act* are tasked with land use planning and many other responsibilities directly relevant to agriculture and farm practices. Some of their considerations may include their tax base, community services, local food security and future community development plans. Both governments may consider the long-term investment farms make in infrastructure and production/crop development.

Whatever actions, if any, are taken in regards to farm practices and conflict relating to disturbances arising from their use, consideration should be given to the complex nature of conflicts, the critical issue of land use planning, the role of agriculture in the province and the precedent set for management of future conflicts arising from other farm practices. This must be accomplished with continued consideration to the overall interest of the BC public.

## Regulatory Options

Regulation is an immediate and enforceable means of managing farm practices, such as propane cannons, to reduce disturbance.

### Provincial Government

***FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT*** – Lieutenant Governor in Council (Cabinet) can make legally **enforceable normal farm practice standards**. As discussed in the BCFIRB 2009 report, it is not clear whether Cabinet could use the power to regulate standards to prohibit use of a farm practice altogether. This is an opportunity for provincial government to consider whether it needs to provide leadership in resolving on-going conflict regarding a farm practice.

#### General Considerations

- Cabinet has not regulated a normal farm practice to date.
- Regulation of a farm practice on a disturbance basis sets precedence.
- Province-wide approach to what is commonly a local or regional conflict.
- Enables enforceable management of farm practice.
- Regulation requires enforcement to be effective.
- Local governments do not need to create farm bylaws.
- Potential economic losses may result in compensation requests
- A farm practice which is in contravention of the regulated standards would result in BCFIRB finding that aspect of the practice in violation of the standard not to be a normal farm practice.

***LOCAL GOVERNMENT ACT*** -- The Minister can **establish standards** in relation to farming areas for the guidance of local governments in the preparation of zoning bylaws and farm bylaws (s.916). Standards may be provincial or regional. This is an opportunity for the Minister to consider whether leadership is needed to resolve on-going conflict regarding a farm practice.

#### General Considerations

- Standards are guidelines and are not mandatory.
- Provides local governments consistent guidance in developing farm bylaws.
- BCFIRB must still entertain a complaint (request for determination of “normal farm practice”)

### Local Governments

**LOCAL GOVERNMENT ACT** -- Allows local governments (LG) to be designated, by Cabinet regulation, the power to **enact farm bylaws** (s.918). Farm bylaws are considered a “land use regulation”, and therefore exclude the normal farm practices defence. Farm bylaws require Minister approval unless exempted (s.917), and must be reviewed every 3 years (s.919). See Appendix 5 for relevant sections. Delta, Langley, Abbotsford and Kelowna are currently designated to enact farm bylaws.

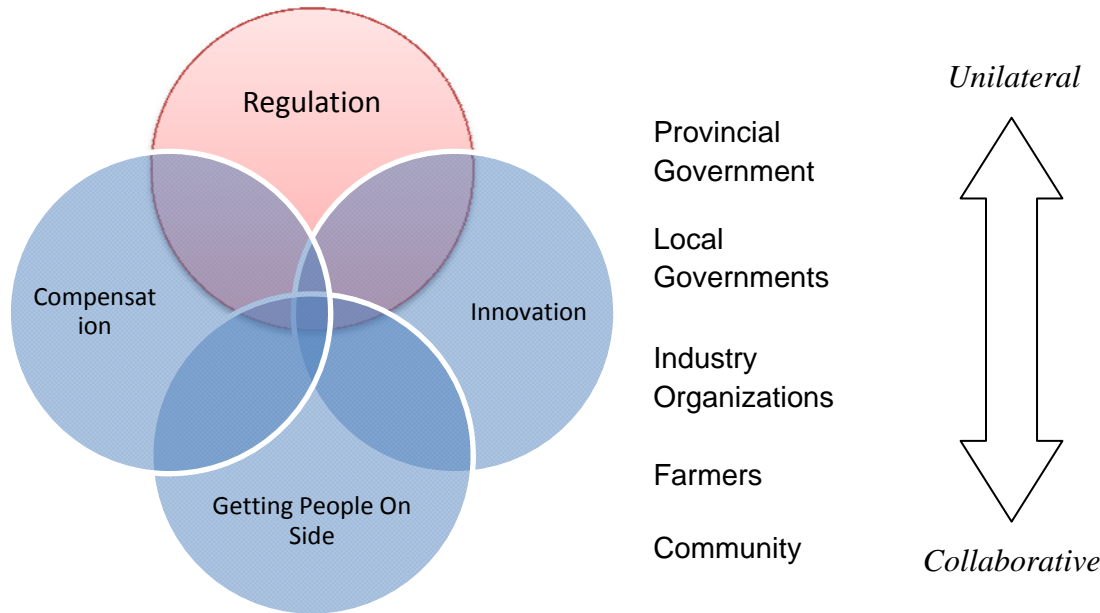
#### General Considerations

- LG need to be designated by Cabinet regulation to enact farm bylaws.
- Farm bylaws require Minister approval unless the Minister determines it appropriate to delegate authority to a LG
- LG best positioned to respond to and manage site specific conflict in way suited to community.
- Regulation requires enforcement to be effective.
- Licensing system could provide cost recovery for enforcement
- Potential crop losses may result in compensation requests
- BCFIRB can still entertain complaints concerning what is normal farm practice, however, a farm would still be required to comply with provisions in the farm bylaws (land use regulations under the *FPPA*)

## Non-Regulatory Options

Other options for managing farm practices from a conflict perspective are available to provincial government, local governments, industry and BCFIRB. Options can be implemented in various combinations, including alongside regulation, and in conjunction with supporting research.

Figure 1 Non-regulatory options



### Compensation

**KEY PARTIES:** *Provincial government, Local governments,*

Compensation can be utilized for managing and reducing propane cannon use. In light of programs with provincial and national impacts, it may be possible to leverage funding through programs such as Growing Forward. Compensation could be used in a variety of ways, including compensation for crop damage, and/or providing support for adopting alternative bird predation control measures.

### Innovation

**KEY PARTIES:** *Provincial government, Local governments, Farm industry*

Innovation refers to a suite of options. Farm practices evolve over time with better information, technology, education, and other factors. Supporting innovation in farm practices may help reduce the use of propane cannons. Innovation can also be sought in use of marketing, licensing, taxation, informal resolution processes, and other incentives and supports to create behaviour change (farmers and communities).

## Communication (Getting People On Side)

**KEY PARTIES:** *Provincial government, Local governments, Farm industry, Communities*

Reducing and managing conflict, along with keeping industry and communities on side in regards to farm practices depends on good communication (e.g. on regulations, guidelines, innovations, incentives, specific grower issues, conflict resolution processes – both informal and formal and cultural differences). See Figure 1 for examples.

---

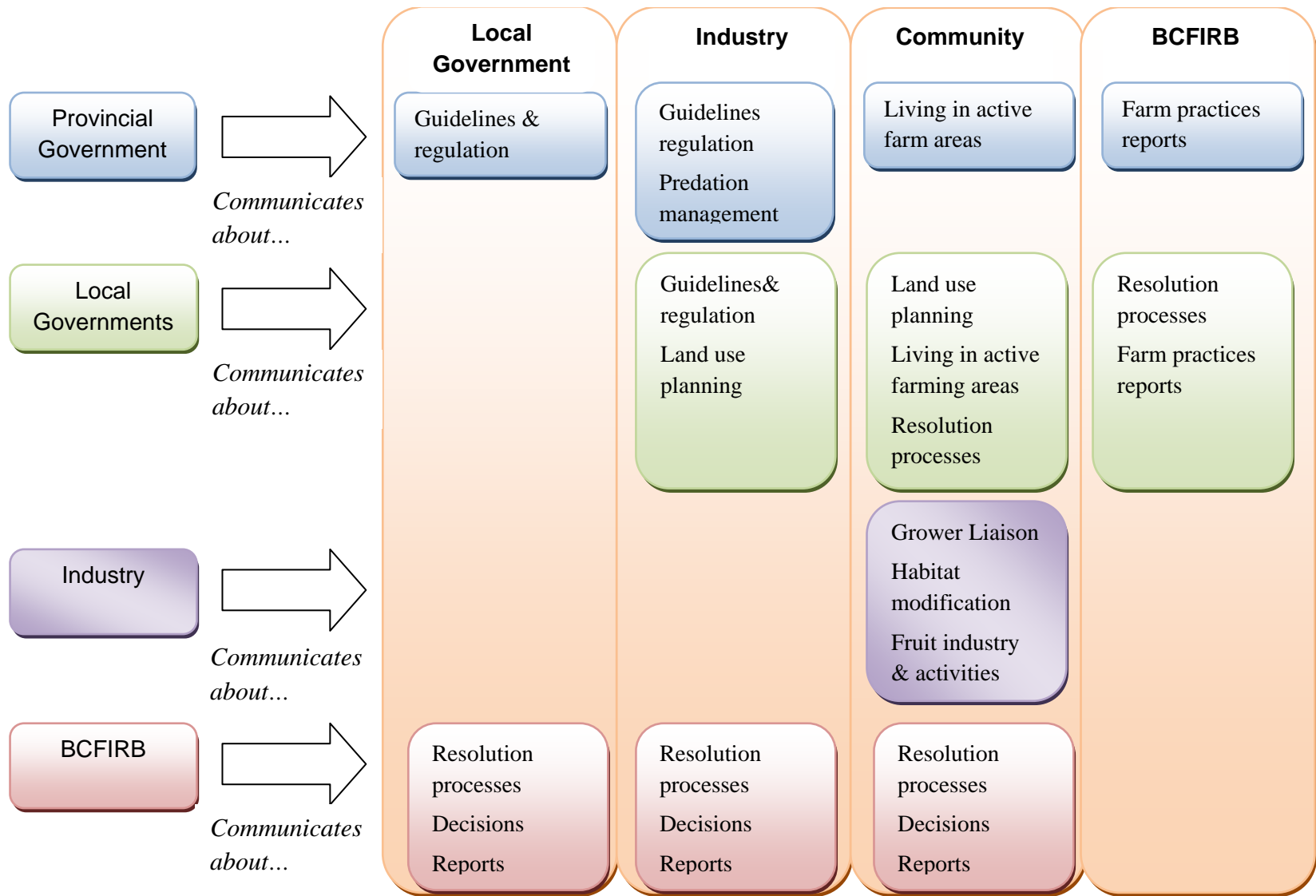
### *Connecting Growers and Neighbours*

The BC Blueberry Council (BCBC) and the Ministry of Agriculture work together on conducting an outreach program prior to the start of each growing season. BCBC works to contact all new growers with fields coming into production to explain the Ministry Guidelines and the importance of taking neighbours into consideration when developing predation management plans. The successful BCBC Grower Liaison program has one-to-one meetings with neighbours to explain the Guidelines.

---



**Figure 2 Communication matrix (examples)**



## Conflict Resolution (Getting People On Side)

**KEY PARTIES:** *Local governments, Farm industry, Communities*

**SUPPORTING PARTIES:** *Provincial government, BCFIRB*

Local governments are usually the first contact in regards to local conflicts, including those regarding farm practices. As such, local governments are well positioned to establish standardized, well informed processes for managing conflict, including making parties aware of their options, supporting collaborative conflict resolution, and providing enforcement where necessary. Once established, good communication and informal dispute resolution processes increase local government capacity to deal effectively and efficiently with conflicts arising from farm practices in general.

BCFIRB has been one of the leaders in tribunal Alternative Dispute Resolution for 20 years and continues to seek improved capability under the *Administrative Tribunals Act (ATA)*, and explore tools and implement actions to improve its administrative justice and dispute resolution processes. Where appropriate, BCFIRB can advise provincial government, local governments, farm industry and communities on development, and use of conflict resolution processes outside of the *FPPA* determination of normal farm practice processes.

### Current conflict resolution processes

For parties who find a farm practice is creating a disturbance, there are a number of conflict resolution pathways currently available.

#### Industry

Conflict brought to industry may be resolved by the associated industry organizations. For example, the BC Blueberry Council has a Grower Liaison on-call 24 hours a day in growing season to address conflicts as they arise. The Council also works with the Ministry on grower education and community communications. More generally, it is in the interests of the entire farm industry to be proactive in supporting resolution of conflict concerning farm practices issues.

#### Local Governments

Many conflicts are initially reported to local governments. In municipalities/regional districts with farm bylaws, local governments can enforce farm bylaws (e.g. noise). Although some local governments may perceive conflicts arising from farm practices as not within their jurisdiction given the *FPPA*, there are opportunities for informal conflict resolution before a complaint is formally filed with BCFIRB. With training and resources, local government staff can be part of informal conflict resolution. As noted in BCFIRB's 2009 report,<sup>11</sup> some local governments are currently effectively managing conflicts arising from farm practices through informal complaint resolution processes and enforcement processes.

#### Ministry of Agriculture

Ministry of Agriculture staff receive conflict reports and work with growers and neighbours on conflict resolution. Additional staff training may help support further collaborative conflict resolution. The Ministry also works with industry to prepare guidelines and conduct educational events for growers.

---

<sup>11</sup> Appendix 2 Propane Cannon Studies (1999 – 2010)

## BC Farm Industry Review Board

Under the *Farm Practices Protection (Right to Farm) Act*, BCFIRB accepts filing of farm practices disturbance complaints for a determination on whether “normal farm practice” is being used by a specific farm. Once a complaint is filed, there are options for collaborative conflict resolution (e.g. mediation) or a formal hearing process.

# **General Considerations and Options -- Management of Propane Cannons**

## General Considerations

The following considerations are summarized from BCFIRB, Ministry of Agriculture and other organization studies on propane cannons and their use (1999- 2010).<sup>12</sup>

1. Cannons, as part of a comprehensive and active predation management strategy, are a generally accepted farm practice. BCFIRB currently determines on a case-by-case basis whether propane cannon use by a particular farm is a “normal farm practice”.<sup>13</sup>
2. Cannon use is driven by a variety of factors, including, but not limited to, predation by invasive species, low cost, ease of use and perception of effectiveness.<sup>14</sup>
3. Conflict related to propane cannon use is regional/site specific, and arises from a variety of underlying drivers, including invasive species, land use planning, Guideline adoption, poor communication and lack of informal conflict resolution processes (Figure 3).
4. Negative responses to cannon use are reported as due to (but not limited to): interference with well-being/health/enjoyment; negative impact on property values; concern for livestock/pets, as well as unrelated personal conflicts and cultural barriers.
5. Little data is available on the degree of conflict arising from propane cannon use, or effectiveness of dispute resolution measures. Since 2000 BCFIRB has had an average of one formal cannon complaint filed per year.<sup>15</sup> A 2010 Trinity Western University study revealed about half of survey respondents (neighbours) were opposed to a ban on cannons.<sup>16</sup> The BC Blueberry Council informally reports the majority of conflicts they see arise from only a few farms.
6. The Ministry of Agriculture has Guidelines<sup>17</sup> for the use of audible scare devices for both South Coastal and Interior BC. The Guidelines indicate propane cannons should only be used as necessary, and only as part of a comprehensive predation management plan. The South Coastal Guidelines have been reviewed and recently updated (2002, 2009). The Guidelines are not mandatory, but BCFIRB currently takes them into consideration when evaluating “normal farm practice” in regards to cannon use on a specific farm.
7. Key reports with recommendations were published in 2009/2010. No data on adoption or effectiveness over the 2011 growing season is currently available. See Appendix 4 for a summary of BCFIRB recommendations (2009).

---

<sup>12</sup> Appendix 2 Propane Cannon Studies (1999 – 2010)

<sup>13</sup> As defined in the *Farm Practices Protection (Right to Farm) Act*: a practice that is conducted by a farm business in a manner consistent with

(a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and

(b) any standards prescribed by the Lieutenant Governor in Council,

and includes a practice that makes use of innovative technology in a manner consistent with proper advanced farm management practices and with any standards prescribed under paragraph (b).

<sup>14</sup> Appendix 6 Summary of Effectiveness of Bird Control Techniques

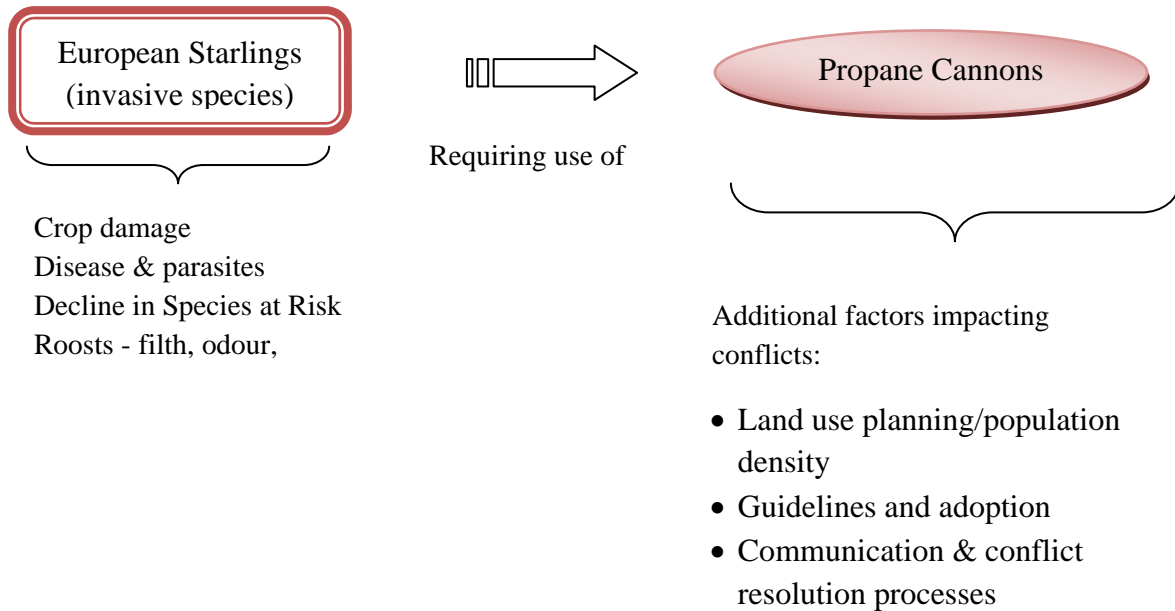
<sup>15</sup> Appendix 3 BC Farm Industry Review Board Statistics

<sup>16</sup> [The socio-economic impacts of propane cannons on residents in the Fraser Valley: A survey on the willingness-to-pay to curb negative externalities resulting from deterring avian predation of blueberries](#). Dr. Tracy Stobbe, Trinity Western University. 2010.

<sup>17</sup> [“Interior BC Wildlife Damage Control”](#) and [“South Coastal BC Wildlife Damage Control”](#)

8. The main theme of these reports (1999 to 2010) is the need for appropriate guidelines on cannon use, need for adherence to the guidelines, effective communication between all parties, good land use planning and on-going research.

**Figure 3 Underlying factors driving conflicts**




---

### BC Blueberries

BC farmers in the Fraser Valley and Lower Mainland are taking advantage of the growing market for functional foods. BC is the third largest producer of highbush blueberries in the world, with 600 farms (approx 8,100 ha total) that are expected to produce over 100 million pounds per year combined by 2012. In 2010 BC generated close to \$60 million in farm sales and are expected to top \$100 million in 2011. Over \$105 million worth of blueberries were exported to the United States, Japan, Australia, China and New Zealand (2010). The Ministry of Agriculture completed an export market analysis study for the industry, and worked with the BC Blueberry Council to promote BC blueberries on a trade mission to China.

---

## Management Options to Reduce Conflicts Arising from Disturbance

The following are options for managing propane cannon use in order to reduce conflicts arising from disturbance. The basis for these options is regulatory, however a balanced approach could incorporate aspects of compensation (e.g. for crop loss or adopting alternative predation management practices), innovation (e.g. supporting new predation control measures and/or related research, public recognition of farms with exceptional predation management plans), communication (e.g. door-to-door connections between neighbors and farmers, workshops on best predation management practices), and conflict resolution (e.g. trained staff, with enforcement when required).

The provincial government may need to show leadership through initiation of Minister standards and Cabinet regulation, while working with local governments to implement community-relevant measures. As noted in BCFIRB's 2009 report,<sup>18</sup> some local governments are currently effectively managing conflicts arising from farm practices through informal complaint resolution and enforcement processes. BCFIRB itself provides determination of normal farm practice for individual farms, can assist other agencies with developing informal and formal conflict resolution processes, and can conduct farm practices studies and reporting that take into account the interests of all parties.

Whatever actions, if any, are taken in regards to propane cannons consideration should be given to the complex nature of conflicts, the larger issue of land use planning, the role of agriculture in the province, and the precedent set for management of future conflicts arising from other farm practices. This must be accomplished with continued consideration to the overall interest of the BC public.

---

<sup>18</sup> Appendix 2 Propane Cannon Studies (1999 – 2010)

## *Provincial Government*

### **Establish a “normal farm practice” standards regulation for propane cannon use (FPPA)**

Cabinet can make legally enforceable normal farm practices standards. As discussed in the BCFIRB 2009 report<sup>19</sup>, it is not clear whether Cabinet could prohibit propane cannon use. Propane cannon standards could set out requirements such as (but not limited to): an active predation management plan with an identified responsible individual, and specific restrictions such as limits on numbers etc. In recognition that farm practices evolve over time, as does the type of agriculture in some localities (e.g. recent shift to blueberries in the Lower Mainland), consideration might be given to incorporating a sunset or other type of renewal clause as well as regional specific focus. This is an opportunity for provincial government to consider whether it needs to provide leadership in resolving on-going conflict regarding a farm practice.

#### General Considerations

- Disturbance conflicts arising from propane cannon use are generally site-specific specific.
- Given propane cannons are used across the province to control a variety of wildlife predation (e.g. bears, deer, birds), and that conflicts arising from propane cannon use are generally in high population density areas, there are limited options for province-wide Cabinet standards that will fit the majority of situations. For example, current Ministry Guidelines on the use of audible scare devices are region specific (South Coastal and Interior) to cover region-specific needs (e.g. the Interior guidelines do not recommend a predation management plan).
- Requires enforcement to be effective.
- A farm practice which is in contravention of the regulated standards would result in BCFIRB finding that aspect of the practice in violation of the standard not to be a normal farm practice.

### **Establish region-specific standards for farming areas to guide local governments in the preparation of farm bylaws managing cannon use (LGA)**

The Minister can establish, and communicate to local governments, standards for local governments to be guided by in preparation of farm bylaws related to propane cannons. As an immediate measure, the current Ministry Guidelines on the use of audible scare devices could be established as the official guidance for local governments. This is an opportunity for the Minister to consider whether leadership is needed in resolving on-going conflict regarding a farm practice.

#### General Considerations

- Addresses the region-specific nature of disturbance conflicts over propane cannon use.
- Standards are guidelines and are not mandatory, but do provide local governments consistent guidance in their own efforts to address conflicts over propane cannon use.
- Delta, Langley, Abbotsford and Kelowna are currently designated by regulation to enact farm bylaws.

---

<sup>19</sup> Appendix 2 Propane Cannon Studies (1999 – 2010)



## Local Governments

### Enact farm bylaws (LGA)

Local governments can apply to be designated, by Cabinet regulation, the power to enact farm bylaws. Farm bylaws offer a range of options for managing propane cannon use. Some options include (but are not limited to):

- bylaws in relation to edge planning (e.g. 600m buffer between ALR and urban – 300m either side)<sup>20</sup>
- bylaws based on Ministry guidelines for audible scare devices,
- bylaws managing noise,
- bylaws requiring registration and licensing of propane cannons,
- bylaws prohibiting the use of propane cannons.

### General Considerations

- Addresses the site-specific nature of conflicts over propane cannon use.
- Farm bylaws require Minister of Agriculture approval and must be reviewed every three years.
- Requires enforcement to be effective.
- Delta, Langley, Abbotsford and Kelowna are currently designated by regulation to enact farm bylaws.
- Delta has enacted a farm bylaw regarding noise, based on the Ministry South Coastal guidelines for audible scare devices.
- Some bylaw options could provide avenues for cost recovery, e.g. registration and licensing fees may help fund enforcement and informal conflict resolution training.
- BCFIRB can still entertain complaints concerning what is “normal farm practice”, however a farm would still be required to comply with provisions in farm bylaws (land use regulations under the *FPPA*).

---

<sup>20</sup> [Guide to Edge Planning](#). 2008. BC Ministry of Agriculture.

## **Control European starling population**

European starling are an introduced invasive species that cause serious damage to fruit crops and are a major reason for propane cannon use in some BC localities, although native bird species, such as robins can also cause crop damage. Conservative estimates place bird damage to vineyards and tree fruits in the Okanagan Similkameen at \$3.5 million annually. Starlings are also known hosts of diseases and parasites such as *Salmonella*, *Toxoplasmosis*, *Chlamydiosis*, *Histoplasma capsulatum*, Johne's Disease, and avian tuberculosis, Starlings are implicated as a vector for avian influenza. As carriers of disease and parasites, starlings are a concern for other agriculture industries such as dairy operations, poultry operations, and feedlots. Starlings can displace species at risk such as the Lewis's woodpecker. Filth, odour and destruction of property are also associated with starlings.

The BC Grapegrowers Association and other partners continue to run a [Starling Control Program](#), including associated research such as [Determining the population structure of European Starlings in Southern British Columbia](#) by Thompson Rivers University, in the Okanagan Similkameen. Other recent reports include [Investigation of starling populations in British Columbia and assessment of the feasibility of a trapping program in the Lower Mainland](#) by the BC Blueberry Council and Milk Producers Association (2010).

### General Considerations

- Starlings are exempted from protection under the *Wildlife Act* through Schedule C of the Wildlife Act Designation and Exemption Regulation. As starlings are exempted from the general protections by Schedule C, they can be controlled without need for permits or other permissions.

## **BC Farm Industry Review Board**

### **Administrative justice and dispute resolution transformation**

BCFIRB has been one of the leaders in tribunal Alternative Dispute Resolution for 20 years and continues to examine ways to improve its capabilities to provide effective, timely and fair resolution to disputes, including in its farm practices role. Such capabilities are becoming increasingly important across the tribunal community, as recognized by the Ministry of Attorney General's Administrative Justice Transformation project.

### *Consequential amendments (FPPA)*

Since 2004, BCFIRB has requested Government take the steps necessary to apply the *Administrative Tribunals Act (ATA)* to the *FPPA* in order to provide BCFIRB with an enhanced capability to resolve farm practices disputes.<sup>21</sup> No amendments have been forthcoming. A major objective of the *ATA* is to provide tribunals with the ability to establish dispute resolution processes that can more effectively respond to the types of conflicts arising in each tribunal's jurisdiction. Ensuring the fair administration of justice in a resource challenged environment requires the best legislative tools available.

---

<sup>21</sup> Similar consequential amendments have been made previously to the *Natural Products Marketing Act*, the other Act under which BCFIRB operates (supervisory and appeals role regarding regulated marketing in BC).

Enhancing BCFIRB's ADR capabilities aside, such changes could also assist in other ways. To illustrate, currently BCFIRB must, without exception, assign a three-person panel to hear a farm practices complaint on its merits. Often such a panel is appropriate to the dispute involved. However, there are other occasions where a one-person "panel" could more effectively interface with the parties in a dispute while leading them to a more effective resolution. For example, determining that "normal farm practice" involves digging a short ditch to divert run-off, and then (if necessary) ensuring a timely digging of that ditch. This situation ideally should not require a formal panel hearing process.

*Shifting focus from conflict to solutions*

As part of the Administrative Justice Transformation project, and in consultation with the Ministry of Attorney General, BCFIRB is commencing a shift away from describing the dispute resolution processes available through BCFIRB in terms of "complaint" language. Under the *FPPA*, BCFIRB's role is to respond to neighbour concerns regarding a farm's practices by determining whether the farm is following "normal farm practice". This shift, a work in progress, will help move the focus from conflict ("complaint") to helping neighbours and the farm find solutions to farm practices issues that may be resulting from, or leading to, relationship problems more generally. Where appropriate, BCFIRB also hopes to work with other provincial agencies, local governments and the agriculture industry on structures and processes for informal conflict resolution processes related to farm practices issues.

## Conclusion

Some BC localities with high population densities and an active fruit industry, are reporting on-going conflict over the use of propane cannons although several reports on managing both the use of, and conflict over, propane cannons (1999 – 2010) have been written.<sup>22</sup> This report presents a general suite of options for future management of propane cannons with the objective of reducing disturbance-based conflicts.

The *Farm Practices Protection (Right to Farm) Act (FPPA)* protects the right of farmers to use “normal farm practices” (as defined by the *FPPA* and determined by BCFIRB on a case specific basis). It balances community interests by placing social responsibility on farmers, and allowing neighbours the right to a formal conflict resolution process through BCFIRB on a specific farm basis. Although “normal farm practices” are protected under legislation, in the first instance it is everyone’s responsibility to mitigate adverse impacts, prevent conflict and work together to resolve disputes.

Conflict arising between farmers and neighbours over farm practices will be an on-going issue faced by provincial government, local governments, industry, communities and BCFIRB. The underlying factor in many nuisance conflicts over farm practices is land use planning – balancing farming with urbanization. That said, it is important to note that conflicts can arise for a variety of reasons not necessarily directly related to the farm practice (e.g. poor practices, personal issues, misunderstandings, contrasting needs/desires/lifestyles, cultural barriers, perception of right-in-time priority).

Provincial and local governments have a wide range of opportunities for managing propane cannons to reduce nuisance conflicts. Regulation of farm practices, including use of propane cannons, falls within the jurisdictions of provincial and local governments. The *FPPA* provides the provincial government with the authority to establish standards for the purpose of defining normal farm practices. The *Local Government Act* authorizes local governments, with the approval of the Minister, to regulate and even prohibit farm practices through farm bylaws. Regulatory options can be implemented in conjunction with other options related to compensation, innovation, communication, and conflict resolution. There are roles for both industry and communities within these options. BCFIRB has a role as a tribunal in determining “normal farm practice” on a case-by-case basis, reporting on farm practices and where appropriate advising parties interested in developing conflict resolution processes.

Although many parties have a role in managing farm practices, the provincial government may need to provide further high-level guidance and support to local governments in managing community-specific nuisance issues arising from farm practices such as propane cannons.

In evaluating what policy direction and actions to take, if any, governments need to consider trade-offs and conduct cost-benefit analyses. These are essential components of sound policy making. Generally, consideration should be given to the complex nature of conflicts, the larger issue of land use planning, the role of agriculture in the province, and the precedent set for management of future conflicts arising from other farm practices. This must be accomplished with continued consideration to the overall interest of the BC public. The direction taken will of course depend on the circumstances and the party carrying out the evaluation.

---

<sup>22</sup> Appendix 2 Propane Cannon Studies (1999 – 2010)

# Appendix 1

## Farm Practices Report Request – Propane Cannons



October 6, 2011

File: 0338-20 REPORT REQUEST

**DELIVERED BY EMAIL**

Honourable Don McRae  
Minister of Agriculture  
Room 301, Parliament Buildings  
Victoria BC V8W 9W6

Dear Honourable Don McRae:

**FARM PRACTICES REPORT REQUEST - PROPANE CANNONS**

Under section 11(4) of the *Farm Practices Protection (Right to Farm) Act (FPPA)*, the Minister of Agriculture may order the BC Farm Industry Review Board (BCFIRB) to study any matter relating to farm practices (as defined in the *FPPA*), and report its findings and recommendations to the Minister.

On September 30, 2011 I met with you and Deputy Minister Wes Shoemaker to discuss the use of propane cannons in BC. This letter acknowledges and confirms the direction received at that meeting.

You requested BCFIRB to report on:

The range of options, that over time, can be used by the provincial government, local governments and BCFIRB to ensure effective and appropriate regulation of propane cannons.

BCFIRB acknowledges your request that a final report be delivered by mid-November, and will use our best efforts to meet that timeline. We are in the process of drafting terms of reference for the approval of the full BCFIRB board.

I respectfully advise that the specific findings and recommendations that will be developed and reported will be solely those of BCFIRB in its capacity as an independent tribunal. The question of whether or how to implement any recommendations not specific to BCFIRB is for others to decide, including local and provincial governments.

.../2

---

**British Columbia  
Farm Industry Review Board**

**Mailing Address:**  
PO Box 9129 Stn Prov Govt  
Victoria BC V8W 9B5  
**Telephone:** 250 356-8945  
**Facsimile:** 250 356-5131

**Location:**  
780 Blanshard St  
Victoria BC V8W 2H1  
**Email:** [firb@gov.bc.ca](mailto:firb@gov.bc.ca)  
**Website:** [www.firb.gov.bc.ca](http://www.firb.gov.bc.ca)

Honourable Don McRae  
October 6, 2011  
Page 2

If you have any questions in regards to the report or to clarify your direction, please feel free to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ron Kilmury', with a horizontal line extending to the right.

Ron Kilmury  
Chair

cc: Wes Shoemaker, Deputy Minister  
Ministry of Agriculture

## Appendix 2

### Propane Cannon Studies (1999 – 2010)

The use of propane cannons and starling predation has been studied several times in BC, especially over the last few years.

#### BC Ministry of Agriculture

- 2010 [The socio-economic impacts of propane cannons on residents in the Fraser Valley](#) (co-funded with the Fraser Valley Regional District)
- 2009 [Efficacy of bird deterrent devices in agricultural areas of the Fraser Valley of British Columbia: a pilot study](#) (co-funded with the Fraser Valley Regional District)
- 2002 [The use of audible bird scare devices in British Columbia in 2001](#)

#### BC Farm Industry Review Board

- 2009 [Review of the Use and Regulation of Propane Cannons in the South-Coastal Region](#)
- 1999 [Review of Ministry of Agriculture and Food Wildlife Damage Control Guidelines on Propane Cannons.](#)

#### Other

- 2010 [Investigation of starling populations in British Columbia and assessment of the feasibility of a trapping program in the Lower Mainland](#) (BC Blueberry Council and Milk Producers Association)
- 2010 [Okanagan – Similkameen Starling Control Program.](#) (British Columbia Grapegrowers' Association)

## Appendix 3

### BC Farm Industry Review Board Statistics

The following summarizes the number of complaints filed with BCFIRB in regards to propane cannons under the *Farm Practices Protection (Right to Farm) Act* from 2000 to 2010<sup>23</sup>

- 2000: 1 complaint – Lower Mainland ([Morgan Creek Homeowners Association v Sekhon](#))
- 2001: 1 complaint – Southern Interior ([Wright v Beaumont Estate Vineyard](#))
- 2003: 1 complaint – Southern Interior (Hanson/LeBourdai v Asquini – Dismissed)
- 2005: 1 complaint – Southern Interior ([Parker v Maciel](#); Malmberg v Vineyard – Withdrawn)
- 2006: 1 complaint – Vancouver Island ([McLeod v Silver rill Berry Farm](#))
- 2007: 1 complaint – Lower Mainland (Topper v Mangat – Withdrawn)
- 2009: 2 complaints – Lower Mainland, Southern Interior ([McMurty v Sekhon](#); [Paynter v Gidda](#))
- 2010: 2 complaints – Vancouver Island, Lower Mainland (Falk v Beckwith – in process; [Mitchell v Bhullar](#))

---

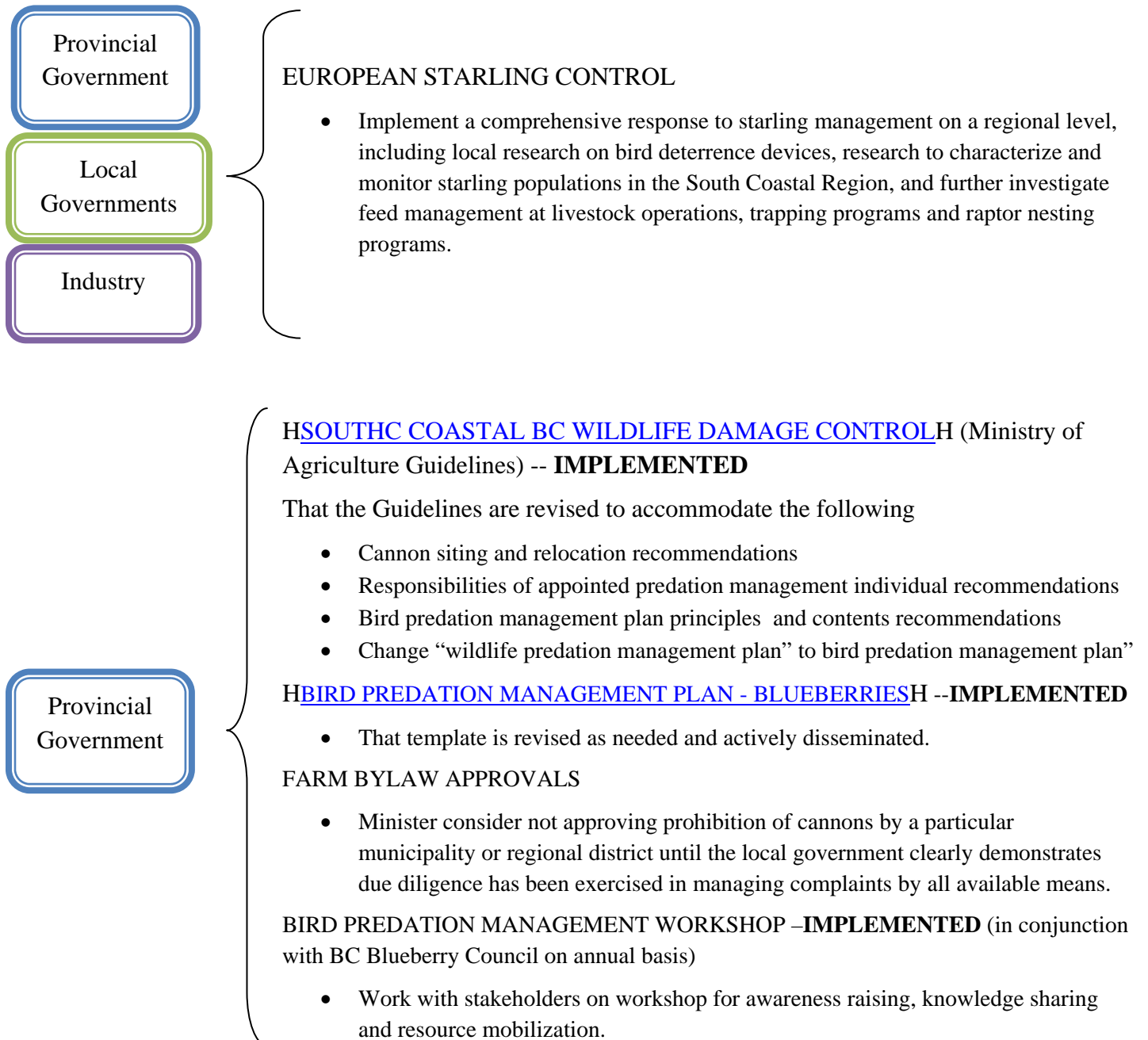
<sup>23</sup> In 2011 one farm is subject to several filed complaints, which are in process.



## Appendix 4

### BCFIRB Recommendations 2009 (Summary)

Summary of recommendations arising from BCFIRB's 2009 report "[Review of the Use and Regulation of Propane Cannons in the South Coastal Region](#)". Overall, it was recommended that farmers, neighbours, industry organizations, local governments, Agriculture Advisory Committees, and the Ministry of Agriculture all continue their respective efforts to prevent, manage and resolve propane cannon nuisances.



Local Governments

SOCIAL DIVERSITY

- Recognize and respond to community social diversity by working proactively and inclusively with farming and non-farming constituents.

CONTINUATION OF EFFECTIVE ACTIONS

- Where conflicts arising from propane cannons are being effectively managed through informal dispute resolution processes (rather than farm bylaws), local governments should ensure staff familiarity with Ministry Guidelines and continue to monitor conflict should establishing a regulatory regime become necessary in the future.

FARM BYLAWS – **IMPLEMENTED** in Delta, BC

- Where a more formal and certain regulatory regime is required, apply to be designated the necessary powers by Cabinet under the Local Government Act to enact farm bylaws. Farm bylaws can be used alone or in combination with other tools.
- If propane cannons are regulated through farm bylaws, provide the BC Blueberry Council with the name and contact information of an enforcement officer(s) who can take immediate, around the clock action.
- Not pursue a ban on propane cannons until all other available means for managing conflict over propane cannons in the community have been exhausted, including uptake of each of the recommendations provided to local governments in this report (2009).

PLANNING INITIATIVES

- Consider use of planning initiatives and tools (e.g. edge planning guidelines) as a way to improve compatibility between farm and urban land uses.

AGRICULTURE ADVISORY COMMITTEES (AAC)

- Ensure AAC composed of cross section of producers within the local jurisdiction, and refer issues related to community agriculture industry to them for their study and recommendations.

COMPLAINTS PROCESS

- Adopt a standardized approach for addressing propane cannon complaints, and communicate this approach widely to the community, including making available to complainants.

Industry

**BIRD PREDATION MANAGEMENT PLANS - IMPLEMENTED**

- That the BC Blueberry Council work with growers on an individual basis to develop bird predation management plans.

Provincial Government

Industry

Local Governments

**GROWER LIAISON – ON-GOING**

- In recognition of the importance of the BC Blueberry Grower Liaison position, continue to work with the BC Blueberry Council to find a way, and possibly increase, support for the position.

## Appendix 5

### Local Government Act – Division 8 – Regulation of Farm Businesses in Farming Areas

#### Intensive agriculture

**915** (1) In this section, "**intensive agriculture**" means the use of land, buildings and other structures by a commercial enterprise or an institution for

- (a) the confinement of poultry, livestock or fur bearing animals, or
- (b) the growing of mushrooms.

(2) Despite a zoning bylaw, if land is located in an agricultural land reserve under the *Agricultural Land Commission Act* and that land is not subject to section 23 (1) of that Act, intensive agriculture is permitted as a use.

(3) Subsections (1) and (2) cease to have effect in an area after a zoning bylaw for that area is approved under section 903 (5).

#### Provincial standards for farm bylaws

**916** (1) In this section and sections 917 to 919, "**minister**" means the minister responsible for the administration of the *Farm Practices Protection (Right to Farm) Act*.

(2) The minister may establish, publish and distribute standards in relation to farming areas for the guidance of local governments in the preparation of zoning bylaws and bylaws under this Division.

(3) Standards under subsection (2) may differ for different parts of British Columbia.

#### Farm bylaws

**917** (1) A local government may make bylaws in relation to farming areas

- (a) respecting the conduct of farm operations as part of a farm business,
- (b) respecting types of buildings, structures, facilities, machinery and equipment that are prerequisite to conducting farm operations specified by the local government and that must be utilized by farmers conducting the specified farm operations,
- (c) respecting the siting of stored materials, waste facilities and stationary equipment, and
- (d) prohibiting specified farm operations.

- (2) A bylaw under subsection (1) may be different for one or more of the following:
- (a) different sizes or types of farms;
  - (b) different types of farm operations;
  - (c) different site conditions;
  - (d) different uses of adjoining land;
  - (e) different areas.
- (3) Unless exempted under subsection (4), a bylaw under subsection (1) may only be adopted with the approval of the minister.
- (4) The minister may make regulations
- (a) defining areas for which and describing circumstances in which approval under subsection (3) is not required, and
  - (b) providing that an exception under paragraph (a) is subject to the terms and conditions specified by the minister.
- (5) Regulations under subsection (4) may be different for different regional districts, different municipalities, different areas and different circumstances.
- (6) A local government may not exercise a power under this or any other Part of this Act or the *Community Charter* to do anything that the local government is specifically authorized to do under this section.

## Application

- 918** (1) Sections 903 (5) and 917 do not apply unless a regulation under this section declares that they apply.
- (2) The Lieutenant Governor in Council may declare by regulation that, generally or for some or all of the geographic area specified in the regulation, on and after the date specified in the regulation, section 903 (5) or 917 applies to
- (a) the board of a regional district specified in the regulation,
  - (b) the council of a municipality specified in the regulation, or
  - (c) the local trust committee under the *Islands Trust Act* of a local trust area specified in the regulation.

## Three year review of bylaws affecting farming areas

**919** (1) In this section, "**regulation**" means a regulation under section 918 respecting the application of section 903 (5) to a board, council or local trust committee.

(2) [Repealed 2000-7-161.]

(3) A board, council or local trust committee to which a regulation applies must review all its zoning bylaws in order to identify to what extent, if any, the provisions of those bylaws, relating to any farming areas within the geographic area to which the regulation applies, are inconsistent with the standards established under section 916 by the minister.

(4) During the first 3 years after a regulation applies to a board, council or local trust committee, or during any extension to that 3 year period that the minister may grant, the board, council or local trust committee may, by bylaw, amend its zoning bylaws, in order to achieve consistency between the bylaws as they relate to any farming areas within the geographic area to which the regulation applies and the standards established under section 916 by the minister.

(5) As an exception to the usual requirements regarding zoning bylaws, a bylaw that makes an amendment authorized under subsection (4) may be adopted without public hearing.

## Appendix 6

### Summary of effectiveness of bird control techniques

As reported in “[Efficacy of bird deterrent devices in agricultural areas of the Fraser Valley of British Columbia: a pilot study](#)” prepared by Karen M.M. Steensma, Trinity Western University for the Ministry of Agriculture and the Fraser Valley Regional District (2009)

<b>Not recommended</b>	<b>Limited recommendation</b>	<b>Highly recommended</b>
High intensity, infra- or ultra-sound	Hawk kites and other visual predator simulations	Habitat modification to encourage natural predators such as birds of prey
Lasers	Distress and predator callers such as BirdGard	Falconry
Lights	Propane cannons	Active shooting of pest birds
Microwaves	Reflective tape	Habitat modification to discourage pest birds
Smoke	Scarecrows	Netting, when feasible (as in small, hand picked fields)

*(adapted primarily from Harris and Davis 1998. Recommendations and effectiveness are based on operation by skilled personnel with an understanding of biology of both pest and predator birds)*